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GOVERNMENT OF THE TERRITORIES.

SPEECH

OF

HON. RICHARD BODHEAD, OF PENN.,

IN THE HOUSE OF REPRESENTATIVES, SATURDAY, JUNE 3, 1848,

IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION,

Upon the subject of Slavery in the Territories, and in support of the Resolution of the Baltimore Convention in relation to Slavery.

Mr. BODHEAD said :

The bill before the committee is one making appropriations for the naval service; the subject being discussed is slavery and the power and duty of Congress in relation thereto in the Territories. The Union generally being under consideration, much latitude of debate is allowed.

The speech of the honorable gentleman from South Carolina, [Mr. RHETT,] who last addressed the committee on the subject, satisfied me that there are a few gentlemen of extreme opinions in the South as well as the North. Until within the last few months, the doctrine of non-interference upon the part of the General Government upon the subject of slavery was vehemently enforced by southern statesmen and southern Representatives upon this floor. The right of the people to petition Congress in relation thereto was denied. During the discussions of the last session, the whole South seemed to be satisfied with the position of neutrality or the Missouri compromise. Now, for the first time in this House, the honorable gentleman contends that the legislative power of the General Government should be exerted to protect slavery in the Territories.

Those who advocate what is very improperly called the "Wilmot proviso" in the northern States, assert that Congress has the right (under that clause of the Constitution which says "Congress shall have power to dispose of and make all needful rules and regulations respecting the TERRITORY and other PROPERTY belonging to the United States") to exclude slavery in the Territories; and a few gentlemen in the South admit the power, and contend for the propriety of its exercise, but for a very different purpose, viz: to protect slavery. Now, these southern gentlemen assume just the position the abolitionists of the North, and their allies, desire them to take. They

want a pretext to agitate the slavery question in Congress. And I beg leave to say, furthermore, that they take from the northern Democrats, who are doing all they can to protect the constitutional rights of their southern brethren, the only ground upon which they can stand with safety, either to themselves or the South. I rejoice, however, that the vote in the Baltimore Convention repudiated these extreme positions on both sides, and satisfied the whole country that nearly the entire South, as well as North, are prepared to adopt a proper platform. Here is the resolution which the Convention very wisely adopted on the subject. It is in accordance with the sentiments heretofore entertained by the entire Democratic party :

" 7. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the Constitution; that all efforts of the abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

- All efforts "to induce Congress to interfere with questions of slavery," are expressly condemned in this resolution. It contains sentiments in exact accordance with the theory, compromises, and guarantees of the Constitution.

The honorable gentleman from Virginia, [Mr. BAYLEY,] a few days ago, in a very able and elaborate speech, contended that the clause in the Con-

stitution, before quoted, only conferred jurisdiction on Congress in respect to "territory" (land) and "property," and not power to regulate the domestic institutions of the people. Political power, he said, was not within the grant; and I confess that it seems strange to me, that if the framers of the Constitution intended to confer so important a power, they did not make an express grant of it, as in the District of Columbia.

But it was not my purpose, in taking the floor, to discuss the question of power, or the extent of the power conferred by the clause of the Constitution in question, but to sustain the position laid down in the resolution before mentioned, on the ground of expediency. Admitting the power, for the sake of the argument, I affirm that it would be unwise to exercise it.

The proposition which it is my main purpose to state and enforce, is this: that the question of slavery (not being an original one) and the rights of the negroes, whether slave or free, in the States or in the Territories, ought to be left to the good sense, the conscience, the patriotism, and philanthropy of those in whose midst it exists, or they reside. In other words, that, inasmuch as we cannot admit the blacks to terms of political or social equality, and all the *States* have jurisdiction in regard to them, the compromises of the Constitution, as well as sound policy, enjoin neutrality upon the part of Congress. The question of slavery and the rights of the slaveholders are settled in three articles of the Constitution. *We cannot add to, or take from, those rights.* Heretofore, the great complaint upon the part of the South was, that the northern representatives were attempting to invade their constitutional rights by Congressional action. The whole subject, in my opinion, should be left to the judiciary and the State and Territorial conventions and legislatures. Soil and climate have more to do with the extension of slavery than legislative enactments. The people of the Territories have no representatives in Congress who can vote; and the great American rule is, that communities should not be governed by laws in the making of which they did not participate. If any other principle is recognized, the representative is not responsible to the people for the laws he may make for their government. The theory of our Government is, that the people are capable of self-government.

I will also attempt to show that the northern, as well as the southern States—particularly the northern—should at any rate be content with the Missouri compromise, (whatever may be thought of the power to adopt it originally;) which, if adhered to in good faith as a peace measure, as it was and is, would tend to and produce the same result as the doctrine of neutrality. The Missouri compromise act prohibits slavery north of $36^{\circ} 30'$, and leaves the people free to adopt or reject it, as they may think proper, south of that line.

In sustaining the positions I have assumed, I do not intend to speak as a sectional man, but as an American citizen, for I am one of those who believe that what is good for the United States, is good for me and those I have the honor to represent. The rights and interests of the different sections of the Union are mutual. I profess to belong to the Democratic party, a great national party of principle, with the Constitution for a text-book. I

desire to walk in the direct path and open light of the Constitution; and when a power is doubtful, or its use uncalled for, to forbear to exercise it. I believe there is as much public and private virtue in one section of this Union as another. This whole country, from the icy regions of the north to the valleys of eternal spring in the south, is the finest one the sun of heaven ever shone upon, and ours the best Government ever devised by the wit of man. There never was such a lot vouchsafed to any people. Why all these complaints, then? Contrast our condition with that of other nations; for it is only by contrast that we can ascertain the extent of our privileges or privations. Since I have been a member of Congress, I have heard much about the rights of the North and the rights of the South—the "free" North and the "slave" South. Sir, I repudiate all such distinctions. The States of this Union are all free, coördinate, and confederated sovereignties, and I dislike the man who would attempt to obtain or retain power by exciting sectional prejudices. Every intelligent man ought to know that when parties become sectional, our Government cannot last long, and every intelligent man ought to know that the fate of our Government is united with the fate of our country; the convulsion which destroys the one must desolate the other. The North and the South were baptized in the same blood, and our bond of union can only be preserved by a careful culture of confidence and affection. Notwithstanding all that has been said to excite sectional prejudices; upon what great question did the North and the South ever divide? Take the question of the bank, tariff, sub-treasury, internal improvement, and even the slavery question itself, and you find representatives from all sections voting together. I trust it may ever be so. True, the Whigs of the northern States all vote against their southern Whig friends on questions of slavery, but they fraternize upon all other questions. I do not think they can long continue to act and speak separately upon a question so vital. The northern Whigs cannot continue to get into power by declaiming against the institution of slavery, and the southern Whigs by being its particular advocates.

Those who entertain extreme opinions in the northern States, and ask the intervention of Congress to exclude slavery from the territories, resort to the abstract dogmas of fanaticism and the use of popular names. They seem to act upon the belief that the people are ignorant, and that names and sounds have great influence where ignorance prevails. "Free soil," "Free territory," "God and Liberty," are the great words with them. Why, they almost equal *Santa Anna* and *Birney* in the use of these words. They cannot mean free rocks, free sand, &c. If they mean free government, does not that imply the right of the people to govern themselves and regulate their own domestic institutions—the very thing for which I am contending? But all factions resort to the use of popular names. The party in the North, which is seeking to overturn this Government, in the name of philanthropy, call themselves the "Liberty party," as if all other parties in this country were opposed to freedom. There, too, is that party, begotten of bigotry and intolerance, the "Native American party," as if all other parties were not sufficiently attached to their country and its Gov-

ernment. The truth is, a question of so little practical importance as the "Proviso," as it is called, can only be sustained by loose declamation. Sentiment must be substituted for argument, a flourish of rhetoric for reason, and a vision of philanthropy for the real condition of human affairs. This "Proviso" has been a kind of Godsend for the abolitionists, and many who advocate it fling their manacled limbs about, and shout for freedom, when they themselves are the slaves of passion, prejudice, and a little false logic. I trust I am as sincere an advocate for liberty—well-regulated, constitutional liberty—as any man; but I confess my notions of freedom do not lead me so far as to believe that it is right to admit blacks to terms of either political or social equality. They never had anything to do with the achievement of our independence, the formation of our Constitution, or the administration of our Government.

Not only are popular names sought to be used, but abusive epithets are resorted to—"Dough-face" is the term applied. It is not my purpose to bandy words or retort abuse, although it is difficult to repress indignation under accusations so groundless and offensive. I will remark, however, that those who attempt to apply the term to the northern Democrats, and charge them with acting from fear, and not from conviction, must have the mirror before their own hearts and faces. Ritner, when Governor of Pennsylvania, undertook to charge the Democrats with basely bowing the knee to the dark spirit of slavery, (I am sorry that a few Democrats should now follow his example,) and it turned out that he and his advisers had no courage at all. In order to retain power after the people had decided against them, they made what is called the "Buck-shot war," surrounded the halls of legislation with glittering bayonets and nodding plumes, and then got frightened and ran off when no one pursued.

But, to speak more immediately to the point. Slavery is said to be a great moral, political, and social evil, and therefore the legislative power should be exerted to prevent its extension. Some, who know nothing about our Constitution and form of Government, would say that Congress ought to abolish it. Well, suppose it was abolished; would not the evil be still greater with three millions of free blacks turned loose upon society? What would be the condition of Pennsylvania, if emancipation were to take place? Bordering slaveholding States, she would be overrun with an idle, worthless, black population. They would flock to the towns and cities; our jails and almshouses would be filled with them, and our people taxed for their support. Slavery may be an evil. Negroes, slave or free, are a very poor population, I admit; but there is no good without some accompanying evil. There are a great many things in this world which seem to be evils, but which are only necessary ingredients in the cup of life. Gentlemen who talk about the evils of slavery, argue as if it was now, for the first time, to be introduced. They seem to forget that the framers of the Constitution settled the question: they legislated upon the subject, and we cannot undo the work. Many people in this country, and some who claim to be statesmen, seem to forget that very little power is conferred upon Congress. The people have retained all they have not given up by express grant. Those who talk about

all men (black and white) being created free and equal, have but one step further to take, and that is, to admit the blacks to terms of political and social equality. The blacks are here among us; and even in most of the free States we deprive them of the right to take part in the government; and, in truth, they are much less cared for, and enjoy less of the comforts of life, than in the South. They render menial service, seem to be the slaves of the neighborhood in which they live, and have no person to care for them in infancy and old age. Look at their degraded condition in our large cities! Two races of men so different can never co-exist under the same constitution, and inhabit the same country upon terms of equality. Notwithstanding they seem oppressed here, they are much better off than in their native land. Here they have Christianity and civilization given to them; in Africa, they are pagans and savages. And the question arises, whether, if the protecting hand of the white man was withdrawn, and this whole country, improved as it is, given up to blacks, they would not relapse in barbarism? But I am told that slavery is wrong, and I am asked, when is it to cease? I confess it seems wrong in a country where the very name of liberty is adored. I believe it would be better for the welfare of this nation if a negro had never been brought to this continent; but what the designs of Providence are in regard to the African race, I do not know. Nations sometimes become extinct. I believe that the Indian tribes of America, once so numerous and powerful, will entirely disappear. History teaches that nations have been improved in the crucible of slavery. Savage men must be tamed before they are fitted for civil government. That the black man has been very much improved in this country, is very certain; but whether he can be improved enough to be a voter, I do not know. I do not know why the negroes can laugh, dance, sing, fiddle, and get fat, when care is upon the brow and despondency in the heart of so many white people. I do not know why the patriarchs of old possessed slaves, and were not rebuked on that account; on the contrary, they were directed to get slaves in a certain way.

"Both thy bondmen and thy bondmaids which thou shalt have, shall be of the heathen [Africans] that are round about you: OF THEM YE SHALL BUY BONDMEN AND BONDMAIDS."—Leviticus, xxv. 44.

Slavery was never made a ground of excommunication from the church in times of old. He who came to perfect the old law and the moral code did not abolish it. Washington, Jefferson, and Madison, the most patriotic and useful men who ever lived in this country, owned slaves. The question always has been, what was best under the circumstances? not, what was best in the abstract? We have got three articles in our Constitution recognizing slavery. We must either strike those articles from our Constitution, and dissolve our Government, or hold our peace about the guilt and sin of slavery. We all know how slavery got here in the first instance. The cupidity of England, and the desire to make money upon the part of New England merchants, took slaves into the South, when we were yet colonies; for the constitution of the black man is peculiarly adapted to labor in a warm climate. It is strange that New England and Old England should now be foremost in the work of abolition. England abolished slavery in her colo-

nies and oppresses her own people at home, in a manner which is shocking to every feeling of humanity. Theoretically, slavery is not tolerated in the British dominions; practically, it exists in the most odious form.

There are some people in the northern States who seem to have become Quixotic in philanthropy, and give themselves a great deal of trouble about what kind of domestic institutions the people who may settle in New Mexico or California ought to have, although they never expect to go there themselves. They seem to have but one idea. They can overlook evils at home—can see white people suffering in the streets from poverty, children and females worked to death in the factories, boys go uneducated upon our canals, and gaze with throbbing commiseration upon imaginary evils thousands of miles off. They subject themselves to the denunciation of the Saviour, who said, “Woe unto you, Scribes and Pharisees, hypocrites! for you make clean the outside of the cup and platter, but within they are full of extortion and excess.” Some make a noise that they may have glory of man; some are fanatics, and fanatics in religion and philanthropy have inflicted more evils upon the human family than they ever alleviated. I have often asked myself, how many people will go from the district I have the honor to represent either into New Mexico or California for the next fifty years? Not fifty. And I think my honorable colleague [Mr. WILMOT] and other northern representatives might with profit ask themselves the same question.

There is a kind of sickly sentimentality which sometimes gets up in this country, and sometimes runs out in anti-masonry, sometimes in nativism, sometimes in Millerism, and then in anti-slavery.

We have abolition societies and abolition lecturers, who exhibit a spirit of impertinent intermeddling in other people's business. Now, suppose the people of Massachusetts should complain of the people of Pennsylvania, because we have got the word “white” in our constitution, and prevent negroes from voting, and get up societies for the purpose of inducing us to admit the blacks to terms of political and social equality: would such an interference be regarded with composure? Well, now, that is just what they are doing towards the South. He asked, then, what right the people of the northern or southern States had, through their Representatives here, to dictate a constitution or local laws to American citizens in New Mexico or California? Are we prepared to say that American citizens are incapable of self-government? Is there any well-informed statesman at the present day who wishes to increase the power of the General Government? Our safety as a nation is in the local and State governments—not in Congress. Are we to issue decrees—kind of star-chamber decrees—from the palace in Washington, for the government of people in far-distant territories? With the same propriety we might as well undertake to give laws to the States regulating the descent of property. It is difficult to tell to what extent the spirit of propagandism and fanaticism will lead the people of some of the northern and New England States. The gentleman from Massachusetts [Mr. PALFREY] told us, in his speech some time ago, that negroes were made citizens in that State, and had the right to vote; that one of

them was elected to the Legislature, but did not take his seat; and that he commissioned another a justice of the peace when he was Secretary of State. Well, if the people of Massachusetts have commenced electing negroes to their State Legislature, how long will it be before they will send one or two to Congress? The truth is, that the disposition of the people of some of the States to interfere with and control the domestic policy of others has become alarming. Witness the acts which have been passed in violation of the Constitution in certain States, designed to embarrass the owners of slaves in retaking their runaway slaves in the free States. It was the ambition of the leading States of Greece to control the others that finally led to the downfall of that far-famed confederacy.

But the gentleman from South Carolina [Mr. RHETT] objects to a few “squatters,” as he calls them, making constitutions and laws for the government of territories. It does not become us to sneer at people who are called squatters; for they have made this country what it is. It was the pioneer, with his axe in his hand, and America's own rifle on his back, who opened up the great West. I would much sooner trust such men to make laws and constitutions for their own government than I would members of Congress in Washington, who are not responsible to them, and who know nothing, and care but little, about their wants. The Parliament of England thought that the people of these States, when yet colonies, were not capable of making laws for themselves; but our forefathers thought differently.

Again: Is the question of any practical importance either to the North or the South? Can we determine the character of the emigrants who will go into that country by Congressional action? During the last session, gentlemen from the South all said that they did not expect to take their slaves there, in New Mexico or California, because the climate and soil were unsuited to slave labor; but they did not want the “proviso” adopted, because it would make an invidious distinction between the citizens of the Union, and thereby degrade the South. We all know that slavery will not be taken where it is not profitable. Well, now, if the southern people do not want to take their slaves there, why are they not content with the neutrality policy? Slavery is already extended on the Gulf to the Rio Grande, and we do not expect to acquire territory below that river. Who wants to take slaves into the mountain regions of New Mexico, or over land to California? What man in his senses would want to take a slave from the cotton and rice fields of the southern States into either of those places? What would be gained but a loss of three hundred dollars on every negro? Well, if slavery will not go into the newly acquired territory in question, why are the northern people so anxious to have legislative action to provide against it? Why clamor for the exclusion of that which does not and will not exist? It seems to me that these are inquiries justified by the facts, and very much in point. But suppose there should be a doubt as to whether New Mexico or California is suited to slave labor; cannot those who wish to emigrate with their slaves stop upon the fresh lands of Florida, Mississippi, Arkansas, Louisiana, or Texas? Or, if any person wants to emigrate from any of the northern States who has a

great horror of slavery, he can stop on the fat lands of Illinois, Wisconsin, Iowa, or he can go to Oregon. So that all our citizens can be accommodated, and none need complain. But the truth is, none who wish to emigrate do complain. It is politicians, (some of them honestly,) fanatics, and loafers.

The excitement which has prevailed for the last two years about the mode of settlement in these territories, has satisfied me that whole communities, as well as individuals, can get excited about imaginary evils, as well as real ones. Even some of the Whigs now begin to regard what is called the "proviso," as a harmless abstraction. Hear what Mr. DAYTON, a distinguished Whig Senator from New Jersey, lately (11th of April, 1848) said upon the subject when speaking of the treaty:

"There was one consideration which very much commended the line of this treaty to my favorable regard. It avoids, practically, all that WRETCHED question of the 'Wilmot proviso,' and I think that the sober, thoughtful men of the North will, on reflection, view the question in that light. This line of 32 degrees north latitude gives us a country which, I apprehend, can never become permanently a slave country. It grows no cotton, sugar, rice, or tobacco. It is not at all adapted to slave labor. On the contrary, some of our southern friends actually object to the line on the ground that, at some future day, it may be the means of surrounding the South with a tier of free States."

This is the doctrine for which the Democratic party, as a party, have always contended. We always said that the proviso was a harmless abstraction and a "wretched" humbug; and it now seems that it begins to nauseate upon the stomachs of the Whigs. That, perhaps, is in view of General Taylor, a southern man and a slaveholder, becoming the candidate of the Whig party. More than a year ago, (February 9, 1847,) in a speech which I had the honor to make upon the subject of the Mexican war, &c., I used the following language, in speaking of this question:

"Slave labor cannot be profitably employed in either New Mexico or California. Neither sugar, rice, cotton, nor tobacco, can be profitably cultivated in either of those places. The truth is, that climate and soil have more to do with the extension of slavery than anything else. No person need fear that slaves will be taken from the cotton and rice fields of the southern States, around Cape Horn, or over land, to California. That country must be the home of a maritime people, and the course of settlement must be from the seaboard to the interior."

But I have not only high authority for saying that the "proviso" is a harmless abstraction, but I think my colleague, [Mr. WILMOT,] is against it himself, and favors the doctrine of neutrality. In his [Mr. WILMOT's] speech, made on the 8th of February, 1847; I find the following language:

"What, I repeat, do we ask? That free territory shall remain free. We demand the neutrality of this Government upon the question of slavery."

And again he says, in the same speech:

"My colleague [Mr. C. J. INGERSOLL] suggests the propriety of waiting until the people of those territories shall meet together to form their own constitution, and then to let them decide for themselves whether slavery shall or shall not be toler-

ated within their boundaries. Sir, I am satisfied with this; it is all I ask."

Thus it seems that my colleague does not intend any harm by this "proviso," whatever may be its effect. He only demands the "neutrality" of this Government upon the question of slavery, although I confess the proviso is a very queer way of doing it.

Mr. Van Buren, when President, and before, also took strong grounds against Congressional interference with the question of slavery. He even went so far, in his first inaugural address, as to say he would veto a bill abolishing slavery in the District of Columbia, where it is admitted Congress has exclusive jurisdiction. He said, in his letter published prior to his first election:

"I must go into the Presidential chair the inflexible and uncompromising opponent of every attempt on the part of Congress to abolish slavery in the District of Columbia against the wishes of the slaveholding States; and also with a determination equally decided to resist the slightest interference with it in the States where it exists."

It would be well for some of his particular friends in New York at the present time, to follow his example, and adopt the rules for their government which he then so correctly stated.

Missouri Compromise.

2. Whatever may be thought of the points I have made in the preceding part of my remarks, I think that all sections of the country should be content to abide by the Missouri compromise, as it is called. If it is adhered to in good faith, the result would be the same as the other position which I have been attempting to maintain. We all know the history of this compromise between the North and the South—I need not restate it. It was adopted by northern votes. The North was nearly unanimous in its favor when it was adopted in 1820. During the last session, all the southern Representatives seemed willing to adopt it, and we were appealed to to abide by it, and hold our peace about slavery. A distinguished Representative (Judge Dargan) from Alabama, a State in which some gentlemen now talk about a new platform, said, in his speech delivered on the 7th of January, 1847, in reference to New Mexico and California, (see Congressional Globe page 135):

"He had not yet met with the first southern man who was not willing to renew and continue that compromise. They did not ask it from any wish to obtain political ascendancy over the North, or hope to control here, but from the condition of things around them. They ask their brethren of the North to renew the same agreement now, and they of the South would scrupulously fulfill it."

I therefore think I am justified in putting the inquiry solemnly to the Representatives of the southern States, why do some of you now wish to make a new issue?

Not only did the southern Representatives last session express a willingness to stand by the Missouri compromise, but by voting for the resolutions providing for the admission of Texas, they expressly sanctioned it. The third resolution says: "And in such State or States as shall be formed out of said territory, north of said Missouri com-

'promise line, slavery or involuntary servitude (except for crime) shall be prohibited.'

But here is the whole resolution—below thirty-six degrees thirty minutes, the people are to decide whether they will have slaves; above, slavery is to be excluded.

'New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.'

Not only did gentlemen from the South agree, by adopting this resolution, that slavery should be excluded north of $36^{\circ} 30'$, but that the people south of that line should adopt or reject it, as they might see fit. His colleague, [Mr. Wilmot,] who was so much in favor of "free soil," also voted for the admission of Texas, out of which three or four slave States are to be made, thereby adopting the line of the Missouri compromise. He said, in his Tioga speech last fall:

"Sir, I was in favor of that measure, (the admission of Texas.) I earnestly advocated it before the people, and voted for it in Congress. I have no regrets for aught I have done. If it were to be done over again, I should do the same; but it never should have been made a party question."

But it may be said that Texas was a part of the United States at the date of the Missouri compromise, and that when the resolutions providing for the admission into the Union were passed, slavery was legalized therein. That, however, is not a sufficient answer for gentlemen either from the North or South. If Congress had no power to adopt the compromise line, originally, as gentlemen from the South affirm, how could they vote for it in the Texas resolutions? At the time of the passage of the resolutions in question, there was territory sufficient in Texas, *entirely uninhabited*, to make two or three States. Was not that "free territory?" and when Congress was providing for annexing it to the United States, could not a "proviso" have been inserted, excluding slavery and providing for one or two free States, with as much propriety as adopting the Missouri compromise? No good reason can be given for the application of the Missouri compromise in the case of Texas, that does not apply with equal force in the case of New Mexico and California.

It seems to me, therefore, that we should, in the language of the Baltimore resolution, forbear "to interfere with questions of slavery, or take incipient steps in relation thereto," in the Territories about to be acquired. Territorial Governments are only temporary affairs, and it is admitted on all hands, that when they become States they can admit or reject slavery as they may see proper. The well known attributes of sovereignty belong-

ing to States, are in full force, as soon as they become such. Let them, then, work the machinery for themselves, until they are ready to come into the Union as States. Let them be authorized, if you please, as the people of the other Territories have been authorized, to pass all laws not inconsistent with the laws or Constitution of the United States. For the short period, then, in which the Territories are in a chrysalis state, the exercise of the power of excluding slavery, even if we possessed it, is not worth the discord it would engender, and the hazard to which it would expose our Union. Neither, the white nor the black man would be benefited by the exercise of such a power. The agitation of the slavery question in Congress, and in the northern States, it is well known, has prevented the owners of slaves from acting with that liberality toward them that they would otherwise have done. I believe that Delaware, Maryland, and Virginia would ere this have abolished slavery if it had not been for the abuse heaped upon them by the fanatics and demagogues of other States. In a Government formed by concession and compromise, extreme opinions cannot be carried out. Communities, according to our system of government, must be left to judge for themselves what will best promote their own interests, provided that, in judging, they do not violate the provisions of the Constitution, or acts of Congress made in pursuance thereof. Power to regulate the domestic institutions of the people never was intended to be conferred on Congress. The general objects of the Union were to protect us against foreign invasion, to defend us against commotions and insurrections, and to regulate our intercourse with foreign nations.

If we have power to exclude slavery from the Territories, some who think slavery a humane and beneficial institution, would contend that we have power to establish it, and that such power should be exercised. Would it be right for Congress to pass an act authorizing negroes to vote in the Territories? If we did, it would be a pretty effectual way of preventing settlements in them. As I said in my opening, we ought not to attempt to add to or take from the constitutional rights of the owners of slaves. The framers of the Constitution made a compromise in regard to slavery. They supposed that they legislated sufficiently upon the subject, and so they did. If the owner of a slave takes him into a Territory of the United States, and the Constitution authorizes him to hold him there as such, the courts will say so. The Constitution is the paramount law. If he cannot, (it being "free soil," as some call it,) it will be no great deprivation, for he could not hold him if he went to Pennsylvania, or any other non-slaveholding State, to reside; and besides, slave labor would be unprofitable, as I have shown, both in New Mexico and California. I do not believe the question will ever arise, for soil and climate will determine the character of the population and the kind of labor that will be employed in those regions; but if it should, let it go to the judiciary, where it properly belongs.

I therefore think I have given some good reasons why the legislative functions of the General Government should not be exerted upon questions relating to slavery, and why the pro-slavery men of the South, and the great anti-slavery, Wilmot proviso men of the North, should not coöperate in

their opposition to the nominees of the Baltimore Convention. Extremes, it is true, often meet, but I do not see how they can do it in this case.

The Democratic party has taken its position. Dare the Whigs do the same? or do they intend to get into power in the northern States, as usual, by condemning slavery, (pandering to prejudices and "cohogling" with the Abolitionists,) and in the South by being its peculiar advocates? The time has arrived for bringing this question distinctly before the people.

The Whigs talked of nominating for President a gentleman who was himself a practical slaveholder. If they wanted to carry him into the chair, they would have to abandon the plan of getting into power by abusing slavery. They would be obliged to back out from the Wilmot proviso, or their candidate would not get a Southern State. If that question should be taken out of the arena of political controversy in the northern States, Mr. B. should heartily rejoice; for if it was pressed to its results, it must lead to a disastrous issue. The ground of entire neutrality was the true ground to be assumed by the Democratic party. On this that party would stand united and firm, however much the Whigs might divide. The coming election would finally settle this question. He wanted to know whether his friends, to meet in Philadelphia,

were for or against the Wilmot proviso? The Democracy were against it. He hoped the Whigs would either affirm or repudiate it.

Mr. DUER asked whether the gentleman from Pennsylvania meant to say that the Baltimore Convention had repudiated the Wilmot proviso? Would the gentleman affirm what was the present attitude of his party?

Mr. BROWNE replied that the Democratic party all over the Union would repudiate it. They never brought it forward as a party measure: the Whigs did, in the northern States.

Mr. DUER would thank the gentleman to read him the resolution adopted at Baltimore, in which such a position was taken.

Mr. BROWNE said he had read it: the position of the Democratic party was one of neutrality. Let the Whigs declare how they stood in regard to this matter. If they abandoned the proviso, (and if they supported a slaveholding candidate who refused to say what his principles were, they did virtually abandon it,) let them say so at once. The Democratic party had stated their position upon all the great questions affecting the interests or rights of the people. Let the Whig party do the same; and let us have an election by an exercise of reason, of virtue, and intelligence.

NOTE.—The Whig Convention since met in Philadelphia, and nominated *General Taylor* for President and Mr. *Fillmore* for Vice President, but made no declaration of principles whatever.

